

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
GREENBELT DIVISION**

Darrell Hardie and Yanic Hardie,

Plaintiffs,

V.

Deutsche Bank Trust Company America  
60 Wall Street, New York, NY. 10005

 $\&$ 

Altisource Solutions Inc.  
2002 Summit Blvd, Suite 600  
Atlanta, GA. 30319

Defendants.

**CIVIL NO:**

## TRIAL BY JURY DEMANDED

## COMPLAINT

COME NOW, Darrell and Yanic Hardie, Plaintiffs in the above captioned matter, and hereby file this multi-count complaint against Defendant Deutsche Bank Trust Company Americas and Altisource Solutions, Inc., alleging as follows:

## PARTIES

1. Plaintiffs Darrell Hardie and Yanic Hardie, are currently residing in Prince George's County, MD at 61 Watkins Park Dr, Upper Marlboro, Maryland 20774
2. The subject premises in question are identified by 11400 Riverview Road, Fort Washington, Maryland, located in Prince George's County (hereinafter "PG

County”) Maryland, and valued on the State property tax assessment records at \$730,000 (“seven hundred thirty thousand dollars”).

3. Defendant Deutsche Bank Trust Company America (hereinafter “Deutsche”) is engaged in the banking business with its headquarters located at 60 Wall Street, New York, NY 10005. It is listed as the “creditor” on a related foreclosure case.
4. Defendant Altisource Solutions, Inc., 2002 Summit Blvd, Suite 600, Atlanta, GA 30319. Altisource dissimulates the business of property maintenance including a cover for the conversion of stolen goods.
5. Defendant Deutsche is the proper party because it authorized and paid Altisource to perform the several actions sounding in major wrongdoing offenses which led to the ongoing irreparable harm and damages suffered by the Plaintiffs in a series of injuries conducted from June 15, 2016 until the present.
6. This was further confirmed by a June 21, 2018 supervisory decree in the Prince George’s County Circuit Court for possession of the said real property after an illegal “foreclosure sale” solely in favor of “Deutsche Bank Trust Company Americas”. See Exhibit “A”.

### **JURISDICTION**

7. The Court sits in diversity jurisdiction where the amount in controversy exceeds \$75,000 and where the parties are "diverse" in citizenship or state of incorporation

and primary place of business. The Plaintiffs will set forth a claim for the value of \$500,000 in stolen personal property, the criminal invasion of their home residence and the illegal foreclosure of their mortgage rights seeking title to their residence at 11400 Riverview Road, Fort Washington, Maryland, and at least \$13,500,000 in cash remuneration.

### VENUE

8. Venue is proper after the various acts occurred in and affected real property located in Prince George's County, Maryland.

### BACKGROUND

9. On September 5, 2017, a Maryland Citizen who was and is a well-respected DC government executive and his attorney spouse came home to find their primary residence burglarized by Defendants and their agents. About a **half million dollars worth of their personal belongings** including several vehicles, clothing, furniture, mail, financial records and other invaluable things were literally stolen off the premises and converted or sold for the use of the Defendants and their agents, never to be seen again.
10. When these Maryland Citizens called law enforcement for assistance, instead of pouncing on the situation with a full scale, no-holds-barred investigation into this

outrageous home invasion (*a crime with up to 25 years imprisonment awaiting conviction under Maryland Code Ann. [Crim] §7-104 et seq*) the police shrugged it off as just “another civil matter”, a pervasive pattern of discrimination that African Americans still suffer in Maryland under the broad, vague and vulgar rubric of a “foreclosure,” much like a modern lynching. “They must have done something wrong” goes the thinking.

11. These ignominious events occurred simultaneously with a repeated looting of the family’s mail box during that time, clearly a federal crime if true. These events were the precursors to a long, bizarre and systematic attack on these citizens and their family culminating in the loss of their home and personalty. This is the situation in which the Plaintiffs base their claims in this case.

#### **INDISPUTABLE FACTS**

12. June 15, 2016, Defendant “Altisource” (a property manager) came to Plaintiffs’ home at 11400 Riverview Road and left a flyer on the door requesting that the “homeowner” call them. Plaintiffs called Altisource at the number provided and informed them that the property was occupied by the homeowner.
13. Altisource (through agents and employees) continued to come to the property through August 2016, always leaving the same document requesting that the homeowner call them. On August 21, 2016, upon returning home, Plaintiffs Hardie

& Hardie found that Altisource had entered their home at 11400 Riverview Road and changed the locks, adding a lockbox with a new entry key.

14. At that time (August 21, 2016) the real property at 11400 Riverview Road had not gone to foreclosure sale nor was it sold by any other means, nor was any order for possession granted. Plaintiffs immediately contacted “Altisource” and demanded they would remove the new lock and lockbox.
15. Altisource indicated that it would have someone come out to remove the new locks but never did. Defendant Altisource continued to come to the real property weekly thereafter through its employees or contractors and leave the same flyer on the door that they had been at the property looking for the “homeowners”.
16. Around November 23, 2016, Plaintiffs received a NOTICE OF FORECLOSURE ACTION for the property address along with a **Loss Mitigation Form** to be completed and returned to Brock & Scott, PLLC, of Virginia Beach. Plaintiffs Hardie & Hardie immediately completed the form and submitted it, but despite numerous inquiries, never heard back from the law firm Brock & Scott, PLLC, or any defendant herein, or anyone else either. This application was resubmitted by mail several times thereafter, in case something was missed, but to no avail.
17. December 15, 2016, an Order to Docket Foreclosure was filed in PG County Circuit Court at no. **CSEF 2016-44265** by Brock & Scott, PLLC that acknowledged in bold,

all capital letters that the real property was "OWNER OCCUPIED" and detailing the instant property address. See Exhibit "B" attached.

18. Incredibly, sometime in January 2017, defendant Altisource for Deutsche contacted Pepco Electric and had the power company change the account into the name of Altisource. Plaintiffs learned after contacting the utility supplier that Altisource established an account with the power company, giving false information that the property was vacant and "bank-owned", despite the ongoing physical occupation by plaintiffs as their primary residence since 2006.
19. June 26, 2017, Plaintiffs filed a motion requesting mediation in the local "foreclosure docket", no. **CSEF 2016-44265** PG County Circuit Court. On Thursday, July 6, 2017, both Plaintiffs attended a mediation hearing at 3:34 p.m. at Prince George's County Admin. Building under the same case number.
20. During Mediation, Plaintiffs were informed that Brock & Scott would provide a new application for loan modification and that they should apply for a loan modification on the home mortgage. Despite many calls to the bank's attorney, she never provided the application nor returned any of Plaintiffs' calls.
21. Several weeks later Plaintiffs learned that their house was going to auction based on a notice they found in the mail. August 9, 2017, a court notice was filed stating mediation was completed and no agreement was reached.

22. On August 31, 2017, an Order of the Court was entered, granting herein defendant Deutsche the right to sell the plaintiff's home on a third party "Affidavit of Credit", subject to a motion under Md. Rule 14-211. Interloping fifth party "Ocwen Loan Servicing LLC" self-proclaimed that it was an "attorney in fact" for Deutsche in support of this champertous litigation activity.
23. September 5, 2017, while the Plaintiffs were at work, defendant Altisource as agent for Deutsche entered the property at 11400 Riverview Road without authorization or court order and removed all furniture, clothing, cars, trucks, mail, personal financial records and possessions of Plaintiffs and took them away to an unknown location never to be seen again.
24. Plaintiffs contacted the Prince George's County police and were informed that they needed to contact Altisource to have the possessions returned. Plaintiffs contacted the Prince George's County Sheriff's Office and were told there was no eviction notice issued for the property at 11400 Riverview Road, and that if an eviction was done it was performed illegally by Deutsche and Altisource.
25. On September 6, 2017, Plaintiffs continued to call Altisource and were told someone would call them back. October 18, 2017, Plaintiffs filed a motion to void the foreclosure docket. November 21, 2017, a motion in opposition to Plaintiffs' motion was filed. December 5, 2017, a response to the motion in opposition was filed by Plaintiffs. December 26, 2017, Plaintiffs' motion to void the foreclosure

was DENIED as untimely, but never addressed in substance. February 1, 2018, Plaintiffs' filed a Notice of Appeal and a Motion to Stay Pending Appeal.

26. February 5, 2018, Order of the Court DENYING the herein Plaintiffs' appeal.

February 26, 2018, an Order of the Court to strike Plaintiff's appeal as untimely was entered in the foreclosure docket. March 12, 2018, an Order of the PG County Circuit Court was entered for a final order to ratify the foreclose sale.

27. On May 23, 2018, a motion for possession after sale was filed on behalf of

"Deutsche Bank Trust Company America", then granted June 21, 2018 and signed by PG County Circuit Court Judge Alves on June 20, 2018. It was then ordered:

*"Judgment for possession of the property known as 11400 Riverview Road, Fort Washington, MD 20744 is hereby awarded in favor of Deutsche Bank Trust Company*

*Americas."* See Exhibit "C" attached. On July 31, 2018, a writ of possession was issued and sent to the sheriff for service.

28. A series of email conversations between the Plaintiffs and Altisource beginning

September 23, 2018 ensued. September 23, 2018, Plaintiffs requested return of all personal property illegally seized by Altisource. September 24, 2018, Altisource replied it would look into the matter.

29. By October 10, 2018, Plaintiffs wrote to Altisource and stated that they had still not

seen a responsive reply to their September 24, 2018 email and gave notice of pending legal action. October 15, 2018, Plaintiffs followed up with another email



since they still had not heard from Altisource regarding the whereabouts of their personal property and other stolen items.

30. October 15, 2018, Altisource finally replied that the matter had been forwarded to the case resolver for further assistance. Plaintiffs never heard back from defendant Altisource despite numerous attempts, even to this day.

### **CLAIMS**

“Deutsche Bank Trust Company Americas”, adding to its culpability in causing irreparable harm and damage to Plaintiffs through its wrongful foreclosure scheme, is responsible for the actions of its paid agents under the principles of *respondeat superior*. Sage Title Group, LLC v Roman, 455 Md 188, 166 A3rd 1026 (2017). This Court should not permit the Defendants to hide behind multiple sham appointments for which they were the ultimate sole beneficiaries, as shown by the June 21, 2018 order of the court awarding judgment of possession solely to Defendant Deutsche.

### **COUNT I – ILLEGAL TRESPASS AND CONVERSION**

31. Plaintiffs restate paragraphs 1 through 30 and incorporate them as if fully set forth herein. An action for conversion may be predicated upon improper disposal, removal, transportation, delivery, or transfer of possession of property to one not authorized by the owner to receive the property.

32. Plaintiffs were the rightful owners and possessors of approximately \$500,000 worth of personal property including among other things, furnishings, clothing, equipment, and vehicles, all of which were stolen and destroyed by the Defendant as set forth above.
33. On September 5, 2017, Defendant through its agent Altisource committed a serial trespass upon Plaintiffs' real property located at 11400 Riverview Road and removed all personal property from the premises without the knowledge or authorization of Plaintiffs Hardie & Hardie.
34. Despite repeated requests for the return of their property, one as late as October 15, 2018 via email, Altisource never complied with Plaintiffs just and lawful demand. Altisource states on its website that they provide "*services and technology for the mortgage and real estate industries*" and that its "*values*" include "*act(ing) with integrity*" and "*exhibit(ing) unwavering integrity, compliance and ethical conduct at all times*", which is plainly a cover story for the ongoing criminal racketeering enterprise by appointment of defendant Deutsche who is completely responsible.
35. Deutsche Bank Trust Company America through its agent Altisource intentionally interfered with and wrongfully deprived the Plaintiffs of their property by exercising "dominion and control" over it, to which the Plaintiffs were rightfully entitled to possess and to remain in that possession.

36. Deutsche Bank Trust Company America, by its acceptance and retention of the possession of Plaintiffs' personal property from Altisource, which was not authorized to transfer or seize it by any means or right, is therefore liable for the unlawful conversion and a principal accessory to the receipt of stolen goods and chattels, besides the lucrative profits of criminal home invasion activity. The cover of "property maintenance" is no excuse for grand larceny.
37. Deutsche Bank Trust Company America and its agent Altisource illegal trespass and conversion deprived Plaintiffs of possession and use of their personal property. Defendants had a responsibility to Plaintiff to ensure its authorized agent Altisource acted within the law and did not violate any of Plaintiffs' rights.
38. Deutsche Bank Trust Company America and its agent Altisource's trespass and conversion caused Plaintiffs to suffer monetary, physical, and emotional damages including anxiety, loss of appetite, stress, and insomnia as a result of Defendant's actions, expedited to insufferable anguish by the disappearance of all financial records. Plaintiffs became unable to defend themselves.
39. There was no justification for the Defendants to so wantonly and brazenly steal and convert Plaintiffs personal property and financial records. Nickens v Mt Vernon Realty Group LLC, Maryland Court of Appeals, 429 MD 53, 54 A 3<sup>rd</sup> 742 (2012). See also Skapinetz v Coester VMS. Com, Inc., 2018 US Dist.Ct. Lexis 21648 (2018).

**Wherefore and Accordingly,** Plaintiffs are entitled to compensatory damages for their loss and suffering, and all other damages due on the basis of a FIVE HUNDRED THOUSAND DOLLAR TRESPASS, THEFT AND CONVERSION, violating both State and federal law plus the award of such other damages as the Jury may find appropriate.

**COUNT II – “DUAL TRACKING” VIOLATIONS OF  
RESPA (REGULATION X) and TILA (REGULATION Z)**

40. Plaintiffs restate paragraphs 1 through 39 and incorporate them as if fully set forth herein. Federal law including the Real Estate Settlement Procedures Act (RESPA) (Regulation X, 12 CFR §1024.41) which went into effect on January 10, 2014 prohibits “dual tracking,” which is when a servicer simultaneously evaluates a borrower for a loan modification—or another type of mortgage workout option—while at the same time pursuing a foreclosure.
41. On or about November 23, 2016, Plaintiffs received from the foreclosure mill law firm Brock & Scott, PLLC, (hereinafter “Brock & Scott”) a NOTICE OF FORECLOSURE ACTION along with a Loss Mitigation form to be completed and returned to Brock & Scott, an authorized agent of Defendant.
42. Brock & Scott was acting in its capacity as a debt collector, as evidenced by the following at the bottom of its signed Notice to Docket filed with the court, “THIS IS A COMMUNICATION FROM A DEBT COLLECTOR.” Plaintiffs’ immediately

completed the form and submitted it, but despite numerous inquiries, never heard back from the law firm Brock & Scott.

43. Generally, the servicer must evaluate an application within 30 days after receiving all of the paperwork. Despite the active loss mitigation - loan modification delivered on December 15, 2016- an Order to Docket Foreclosure was filed by Brock & Scott which constitutes dual tracking, a violation of both RESPA and TILA. Om Sharma, et al v. Rushmore Loan Management Services, LLC, USDC Maryland, no. GJH-18-656 (2020), 2020 US Dist Lexis 48669.
44. Deutsche Bank Trust Company America was responsible to the Plaintiff, to ensure its authorized legal agent Brock & Scott acted within the law and did not violate Plaintiffs' rights. Defendant and its authorized agent Brock & Scott's unlawful dual tracking of Plaintiffs' statutory loan modification rights caused Plaintiffs to suffer the illegal loss of their real property, as well as physical and emotional damages including anxiety, loss of appetite, stress, and insomnia.

**Wherefore and Accordingly**, Plaintiffs are entitled to compensatory and punitive damages for their loss and suffering, and all other damages due on the basis of a ONE MILLION DOLLAR DUAL TRACKING SCHEME, violating both State and federal law. Compensatory damages are therefore demanded plus the award of such other damages as the Jury may find appropriate.

**COUNT III – UNJUST ENRICHMENT & CONSTRUCTIVE TRUST**

45. Plaintiffs restate paragraphs 1 through 44 and incorporate them as if fully set forth herein. Defendant and its authorized agents all mutually benefited from unjust enrichment by their unlawful trespass and conversion and error filled foreclosure of Plaintiffs' real and personal property.
46. Plaintiffs have lost personal property worth in excess of \$500,000 to an illegal trespass and conversion carried out by Deutsche's authorized agent Altisource founded in burglary, breaking and entering an occupied dwelling, and grand larceny condemned by the State of Maryland with up to 25 years imprisonment.
47. Plaintiffs have lost real property worth in excess of \$1,000,000 to an error filled foreclosure scheme authorized by Defendant Deutsche and carried out by its authorized agents including but not limited to, Altisource, Brock & Scott, the five named substitute trustees, and Ocwen Loan Servicing, Inc.
48. **Unjust enrichment:** Not one red cent of any of Plaintiffs' property went toward the payment of any mortgage debt held by the Defendants, which will be easily proven by discovery and in the common practice of "securitization". Hill v Cross Country Settlements LLC. 172 Md Ap 350, 914 A2d 231 (2007)
49. **Constructive trust:** imposing a constructive trust is an equitable remedy. Its purpose is to convey property gained through inequitable means back to the rightful owner. Bowie v Ford. 269 Md 111, 304 A2d 803 (1973)

50. Defendant and its authorized agents caused Plaintiffs to suffer the irreparable harm of the loss of their house and personal property, as well as physical and emotional damages from anxiety, loss of appetite, stress, & insomnia in result of Defendants' actions. Murphy v Fishman 207 Md App 269, 52 A3rd 130 (2011); Royal Plaza Community Association v Bonds, 389 MD 187, 884 A2nd 130 (2005)

**Wherefore and Accordingly**, Plaintiffs are entitled to compensatory and punitive damages for their loss and suffering, and all other damages due on the basis of ONE MILLION DOLLARS for violating both State and federal law plus the award of such other damages as the Jury may find appropriate.

#### **COUNT IV – SLANDER OF TITLE**

51. Plaintiffs restate paragraphs 1 through 50 and incorporate these as if fully set forth herein. Deutsche Bank Trust Company America, by and through its authorized agents, caused the slander in public county records of untrue statements regarding Plaintiffs and their real property, namely, that there was any mortgage default and their real property was going to be foreclosed. Rite Aid Corp v. Lake Shore Investors, 298 Md 611, 471 A2d 735 (1983)

52. Deutsche Bank Trust Company America and its authorized agents knew or should have known that those statements were untrue. Defendant's statements were of a

disparaging nature that they knew or should have known would impair the value of Plaintiffs' real property in the estimation of others.

53. As a result of Deutsche Bank Trust Company America and its agents' actions, Plaintiffs suffered damages in the irreparable harm of losing their home of many years, which caused further physical and emotional damages including anxiety, loss of appetite, stress, and insomnia.

**Wherefore and Accordingly,** Plaintiffs are entitled to compensatory and punitive damages for their loss and suffering, and all other damages of ONE MILLION DOLLARS violating both State and federal law, plus the award of such other damages as the Jury may find appropriate.

**COUNT V - QUIET TITLE**

54. Plaintiffs restate paragraphs 1 through 53 and incorporate these as if fully set forth herein. Plaintiffs have a superior claim by virtue of purchasing the real property located at 11400 Riverview Road, Prince George's County, Maryland, then taking adverse possession of said property sometime in the year 2000 AD.

55. Neither Defendant Deutsche nor any of its authorized agents have a legal claim to Plaintiffs' real property. There is no person or entity that will come forward with a legal claim to Plaintiffs' real property in the form of a valid money loan and deed of trust, and there was never a mortgage securing the loan of money.



56. Plaintiff failed to exhaust its plain and adequate administrative remedies before seeking to foreclose any mortgage deeds. McGinnies v Plymouth Muse, LLC, 2017 MdAppLEXIS 708. Plaintiffs must have clear and free title to their real property located at 11400 Riverview Road, Fort Washington, Prince George's County, Maryland, and this is an appropriate and just remedy.

**RELIEF REQUESTED**

Plaintiffs respectfully request this Honorable Court award the following:

- a) Compensatory damages in the amount of \$3,000,000 or such other damages as are awarded by the jury;
- b) order the return of all personal property illegally converted by Defendant's authorized agent "Altisource" or any other of their agents in the aggregate \$500,000 or such other damages as are awarded by the jury;
- c) order the deed of trust extinguished and award clear title to 11400 Riverview Road, Prince George's County, Maryland to Plaintiffs;
- d) award exemplary punitive damages to Plaintiff in the amount of **\$10,000,000** or such other damages as are awarded by the jury;
- e) and all such other relief as Plaintiffs are entitled to by law as awarded by the jury, and in equity by the Court, including reasonable legal fees.

**VERIFICATION**

The foregoing is true, correct and complete within the 1st hand knowledge, information and belief of the undersigned who will easily prove all of it by trial on the merits, and who make all statements of fact herein subject to the penalties for unsworn falsification to authorities, or the related perjury statute as it may be in the Federal District of Maryland, and in the State of Maryland.

//S//Darrell Hardie

//S//Yanic Hardie

IN WITNESS WHEREOF and offered to this Honorable Court on this the 4th day of May 2020, by Thomas Kerns McKnight, Esq., counsel for the Plaintiffs.

//S// Thomas Kerns McKnight, Esq

Maryland Bar #0412200003, Federal # 17972

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